

505F-HEARINGS & APPEALS

Dept #: 1407/ Department Name: HEARINGS & APPEALS

<u>RDA #</u>	<u>RDA Title</u>	<u>Retention</u>	<u>Disposition</u>	<u>PII</u>
<u>00001000.</u>	<u>PROBATION AND PAROLE REVOCATION HEARINGS</u> 1983 Wis. Act 27 created the Division of Hearings and Appeals. 1989 Wis. Act 31 (January 1, 1990) transferred the hearing process of the Probation and Parole function of Department of Health and Social Services to the Division of Hearings and Appeals, which is an independent agency attached to the Department of Administration. These are individual case files containing material comprising the official record of hearings held before the Division of Hearings and Appeals for cases referred by the Department of Corrections concerning the recommended revocation of probation/extended supervision and/or parole of individual probationers/parolees. RETENTION: EVENT (Final decision issued) + 7 years and destroy confidential	<u>EVT+7</u>	<u>DEST</u>	<u>Y</u>
<u>00002000.</u>	<u>NURSING HOME VIOLATIONS AND FORFEITURES</u> Individual case files containing all matters relating to administrative hearings held by the Division of Hearings and Appeals on enforcement actions by the Dept. of Health Services under Wis. Stats. §§ 50.04(4) and (5). These cases all involve nursing home statements of deficiency and/or assessments of forfeiture. Some files also contain materials generated when the administrative decision of the Division of Hearings and Appeals was appealed to the state court system. RETENTION: EVENT (Case file closed) + 7 years and transfer to State Archives (WHS)	<u>EVT+7</u>	<u>SHSW</u>	<u>N</u>
<u>00100000.</u>	<u>PROBATION AND PAROLE REVOCATION CASES - CLOSED, NO HEARING</u> 1983 Wis. Act § 27 created the Division of Hearings and Appeals. 1989 Wis. Act § 31 (January 1, 1990) transferred the hearing process of the Probation and Parole function of Department of Health and Social Service to the Division of Hearings and Appeals (DHA), which is an independent agency attached to the Department of Administration. These are individual case files containing material initiating a hearing request for cases referred by the Department of Corrections (DOC) concerning the recommended revocation of probation/extended supervision and/or parole of individual probationers/parolees. The Division of Hearings and Appeals receives approximately 10,000 hearing requests in a year from the Department of Corrections. About 60% of these cases never go to hearing. Instead, they are closed because DOC or the probationer/parolee withdraws the request for hearing, or an alternative to revocation is arranged. As no decision is issued by DHA, there is nothing to appeal after these files are closed. *Event = date the file was closed due to withdrawal of hearing request or alternative to revocation agreement RETENTION: EVENT (Case closed) + 1 year and destroy confidential	<u>EVT+1</u>	<u>DEST</u>	<u>Y</u>
<u>00101000.</u>	<u>WORK/FAMILY SERVICES CASES - CLOSED, NO HEARING</u> 1983 Wis. Act 27 - created the Division of Hearings and Appeals (DHA); 1995 Wis. Act 370 § 6 (July 1, 1996) creates Wis. Stat. § 227.43 (1)(bu) which authorizes DHA to hold all contested cases for the Department of Family Services. 1995 Wis. Act 370 § 6 also creates Wis. Stat. § 227.43(1)(by) which authorizes the DHA to hold all contested cases for the Department of Workforce Development under Wis. Stat. sub. ch III of Chapter 49 (economic support and work programs); 1995 Wis. Act 27 § 2069 (July 1, 1996) authorizes the transfer of the low income energy assistance from the Department of Social Services to the Department of Administration; 1995 Wis. Act 370 moves funding to DHA. These are individual case files containing material for cases concerning FoodShare, medical assistance, foster home, day care center and medical care facility licensing, other certification or penalty issues and Medicaid rate-setting and recoupment matters, as well as issues related to the Wisconsin Works program. These are cases where no hearing was held because the petitioner withdrew the request for hearing or the case was abandoned. As no decision was issued by DHA for these cases, there is nothing to appeal after these files are closed. Event = Per 17 U.S.D.A. § 272.1(f), all closed, by withdrawal or abandonment, records for these cases must be kept for 3 years from the date of closure as they are subjected to auditing and review by the federal government. Per Wis. Stat. § 137.20, the original paper appeals will be imaged and subjected to review to ensure the images of these appeals are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of these electronic images, the paper documents will be kept on site for 30 days and then confidentially destroyed. PII apply pursuant to Wis. Stats. § 19.62(5) and this record series is confidential pursuant to Wis. Stats. § 49.83. RETENTION: EVENT (Date case closed) + 3 years and destroy confidential	<u>EVT+3</u>	<u>DEST</u>	<u>Y</u>

Dept #: 1407/ Department Name: HEARINGS & APPEALS

RDA # RDA Title Retention Disposition PII

<u>00321000.</u>	<u>WORK/FAMILY SERVICES HEARINGS</u>	<u>EVT+7</u>	<u>DEST</u>	<u>Y</u>
<p>1983 Wis. Act 27 - created the Division of Hearings and Appeals (DHA); 1995 Wis. Act 370 § 6 (July 1, 1996) creates Wis. Stat. § 227.43(1)(by) which authorizes DHA to hold all contested cases for the Department of Family Services. 1995 Wis. Act 370 § 6 also creates Wis. Stat. § 227.43(1)(by) which authorizes the DHA to hold all contested cases for the Department of Workforce Development under Wis. Stat. sub. ch. III of Chapter 49 (economic support and work programs); 1995 Wis. Act 27 § 2060 (July 1, 1996) authorizes the transfer of the low income energy assistance program from the Department of Social Services to the Department of Administration; 1995 Wis. Act 370 moves funding to DHA.</p> <p>These are individual case files containing material comprising the official record of hearings held before the Division of Hearings and Appeals concerning Food Share, medical assistance, foster home, day care center and medical facility licensing, other certification or penalty issues and Medicaid rate-setting and recoupment matters, as well as issues related to the Wisconsin Works program.</p> <p>Per Wis. Stat. § 137.20, the original paper appeals will be imaged and subjected to review to ensure the images of these appeals are electronically stored and the quality of these images is acceptable. Upon verification of the quality and retention of these electronic images, the paper documents will be kept on site for 30 days and then confidentially destroyed.</p> <p>PII apply pursuant to Wis. Stats. § 19.62(5).</p> <p>This records series is confidential or access is limited pursuant to Wis. Stats. § 49.83.</p> <p>RETENTION: EVENT (Final decision issued) + 7 years and destroy confidential</p>				

Dept #: 1424/ Department Name: WASTE FACILITY SITING BOARD

RDA # RDA Title Retention Disposition PII

<u>00290000.</u>	<u>ARBITRATION EXHIBITS</u>	<u>EVT+4</u>	<u>DEST</u>	<u>N</u>
<p>This record series contains exhibits introduced at arbitration hearings conducted by the Board under Wis. Stats. § 289.33. The exhibits may include correspondence, maps, blueprints, landfill design sketches, photographic aerial views of potential landfill sites, and graphs. Retention is based on the potential need for access by the courts under Wis. Stats. § 788.09 and 788.15.</p> <p>RETENTION: EVENT (End of appeal process) + 4 years and destroy</p>				
<u>00295000.</u>	<u>SOLID AND HAZARDOUS WASTE CASE FILES</u>	<u>EVT+20</u>	<u>SHSW</u>	<u>N</u>
<p>This record series contains information pertaining to the negotiation-arbitration process in the siting of solid and hazardous waste facilities as required by Wis. Stats. § 289.33 and Wis. Admin Code WFSB chapters 1-12.</p> <p>All information brought forth by any party to a case will be retained under the terms of this RDA. Information consists of requests for local approvals, siting resolutions, economic interest statements (or their equivalents), notice to begin negotiations, notice of change in local committee membership, notice of parties waiving right to participate in the process, request for mediation, default petitions, arbitrability petitions, arbitration petitions, legal memos, board decisions, court ruling(s), settled agreements, and pertinent correspondence.</p> <p>Retention is based on the potential need for access by the Board, the Department of Natural Resources, and the courts. The records are potential sources of evidence for future enforcement action in the event of groundwater contamination. As such, they need to be retained in conjunction with the DNR's records for a significant period of time to cover the extensive life cycle of a waste facility: approval: 6-8 years; site life: 10-15 years; long-term care by the owner: 20-30 years; state's care period: 10-20 years. In addition, expansions to a facility are allowed, which are limited to a cap of 15 years of active site life, but there is no set limit on the number of expansions.</p> <p>RETENTION: EVENT (Case closure/start of state care) + 20 years and transfer to State Archives (WHS)</p>				
<u>00298000.</u>	<u>MEDIATOR REGISTRATIONS</u>	<u>CR+20</u>	<u>DEST</u>	<u>Y</u>
<p>This record series contains completed mediator registrations forms. The Board's mediator list is comprised of names taken from these forms. The board, after receiving a request for the appointment of a mediator, submits to the parties a list of five names from the mediator list. These records may also contain resumes and correspondence exchanged between the board and potential mediators.</p> <p>Some personally identifiable information in these records, such as social security numbers and financial account numbers, may be confidential. See 5 U.S.C. § 552a and Wis. Stats. § 19.36(10)(a) and (13).</p> <p>RETENTION: EVENT (Creation) + 20 years and destroy confidential</p>				
<u>00379000.</u>	<u>ADMINISTRATIVE AND PROGRAMMATIC FILES</u>	<u>CR+4</u>	<u>DEST</u>	<u>N</u>

Dept #: 1424/

Department Name: WASTE FACILITY SITING BOARD

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This record series contains documentation of activities in support of the Waste Facility Siting Board. Materials related to specific cases are addressed separately. These records include, but are not limited to:

- 1) Research and data gathering to support the programmatic and policy functions of the Board. They may include surveys and summaries of local ordinances and processes, data concerning the costs and time to reach local agreements, etc. Correspondence related to research and data gathering is also included. When this information is presented to the Board it becomes part of the record of the associated board meeting.
- 2) Various logs and listings describing the work and scheduling of cases coming before the Board.
- 3) Materials describing the negotiation/arbitration process employed by the Board.
- 4) Operational policies and procedural manuals governing the Board and its staff.
- 5) Internal communications between board and agency staff.

Records are frequently created in both electronic form and paper form.

RETENTION: EVENT (Creation) + 4 years and destroy